

Michigan Farmer's **TRANSPORTATION** GUIDEBOOK

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Traffic Safety Division
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Michigan Farm Bureau



MICHIGAN FARMER'S TRANSPORTATION GUIDEBOOK

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Provide Comments to the
Farmer's Transportation Guidebook

Comments or suggested changes to this
guidebook should be sent to:

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This publication is based on Michigan state statutes, including the Michigan adoption of the Federal Motor Vehicle Safety Regulations (FMCSR). State statutes referenced in this document include:

- The **Michigan Vehicle Code** (MVC, Act 300 of 1949, as amended);
- The **Michigan Motor Carrier Safety Act**; (MMCSA, Act 181 of 1963, as amended); and
- The **Michigan Motor Carrier Fuel Tax Act** (MMCFTA, Act 119 of 1980, as amended).

All Michigan statutes can be viewed, printed, and saved at www.legislature.mi.gov. The Federal Motor Carrier Safety Regulations can be accessed at www.fmcsa.dot.gov. Some counties, cities or townships may have additional laws on use of local streets or roads and can be accessed at www.micountyroads.org.

This publication is for ***educational purposes only*** and does not attempt to substitute for or directly quote the laws referenced herein. Although it is intended to keep this document current, these regulations are constantly being revised, so readers are cautioned to consult the actual regulations for compliance. This document does not address all of the regulations, but does discuss those regulations that seem to generate the most questions and concern among farmers. This document may be reproduced without prior permission.

SOURCES OF INFORMATION

Michigan Trucking Association

Phone: 517-321-1951 Web site: www.mitrucking.org
Information provided: Copies of Michigan and Federal laws, forms and documents, etc.

Michigan Center for Truck Safety

Phone: 800-682-4682 Web site: www.truckingsafety.org
Information provided: Truck Drivers Guidebook, Questions answered, Training, etc.

Michigan State Police Traffic Safety Division

Contact your local state police post or www.michigan.gov/motorcarrier

Michigan Department of Agriculture

Phone: 800-292-3939 Web site: www.michigan.gov/mda

U.S. Department of Transportation, Federal Motor Carrier Safety Administration

Phone: (202) 366-1790 Web site: www.fmcsa.dot.gov

FMCSA Violation Hotline 888-368-7238
Medical Waivers 202-366-4001
Hazardous Materials Hotline 800-467-4922 or <http://hazmat.dot.gov>

USDOT Numbers

Interstate: 800-832-5660 or www.safersys.org
Intrastate: 888-464-8736 or www.safersys.org

County Road Association of Michigan

Phone: 517-482-1189 Web site: www.micountyroads.org

U.S. Department of Labor, Wage and Hour Division: Vehicle Safety Standards

Web site: http://www.dol.gov/dol/allcfr/title_29/chapter_v.htm

DO I HAVE TO COMPLY?

Please note: This is a quick-reference guide. Read the Michigan Vehicle Code and the Federal Motor Carrier Safety Act regulations for details! This quick reference guide applies to vehicles that meet the definition of a commercial motor vehicle.

Regulation	Interstate	Intrastate
Hours of Service (FMCSR 395.1)	Yes, if operating over 100 air miles (115 statute miles)	No, if a Farm Vehicle Driver
Medical Cards* (FMCSR 391.2)	Single vehicle – No Combination vehicle -- Yes	No, if a Farm Vehicle Driver
Driver Age (FMCSR 391.11, 391.67)	See the table on page 3	
CDL (MVC 257.312f, FMCSR 383 – Interstate)	See the table on page 3	
Driver Files* (FMCSR 391.2)	Single vehicle – No Combination vehicle – No, if a Farm Vehicle Driver	
Accident Records	Yes	Yes
Identification/Marking, USDOT Number (FMCSR 390.19, 390.21)	Yes	Yes See exception under Identification
Proof of Financial Responsibility/MCS-90*** (FMCSR For-Hire or HM 387.3)	Yes	Yes
Annual Vehicle Inspection (FMCSR 396.17)	Yes	Yes
Retroreflective Tape (FMCSR 393.13, 395.11)	Yes – INCLUDING implements	Yes**
Brakes (FMCSR 393.40, 393.41)	Yes – INCLUDING implements	Yes**

*Farm Custom Operations and Beekeepers (FMCSR 391.2(b)) are exempt from all of Part 391, which includes driver files and medical cards. Farm custom operations include any harvester who does not own the farm being harvested.

“Custom harvest operations” (FMCSR 391.2(a)) are those operations that move from farm to farm, harvesting various crops across Michigan and the country transporting farm machinery, supplies, or both to or from a farm for custom-harvesting; or transporting custom-harvested crops to storage or market.

**For- hire carriers transporting non-hazardous property and for-hire and private carriers transporting hazardous materials.

Farm Vehicle Driver definition (interstate and intrastate)

Farm Vehicle Driver is a person who operates a commercial motor vehicle that is **all** of the following:

1. Controlled and operated by a farmer, their employee, or family member;
2. Being used to transport agricultural products, farm supplies, or farm machinery to or from a farm;
3. Not being used in a for-hire operation;
4. Not carrying hazardous materials in an amount that requires placarding; **AND**
5. Being used within **150 air miles** (173 statute miles) of the farm.

Age of Driver

Vehicle/Operation	Farm Vehicle Driver Intrastate or Interstate	Not a Farm Vehicle Driver
Single Vehicle	Minimum age to obtain license	18, Intrastate 21, Interstate
Combination Vehicle	18	
Hazardous Materials that requires placarding	21	21 Intrastate or Interstate
Youth Restricted License	14 (Application with SOS)	N/A

Commercial Driver License (CDL)

Vehicle/Operation	Interstate*	Intrastate**
Single Vehicle over 26K	Yes	No
Combination Vehicle	Yes	No, provided the power unit is under 26,000 lbs. If power unit is over 26,000 lbs., an F endorsement is required.*
Hazardous Materials that requires placarding	Yes	No, provided the power unit is under 26,000 pounds. If power unit is over 26,000 pounds, an H endorsement is required.

F Endorsement

(MVC 257.312e, 257.312f)

* Other states may, but are not required to, recognize Michigan's F endorsement provision.

** To qualify for the F endorsement, a person must meet all of the following conditions:

- Is controlled and operated (not necessarily owned) by the farmer, their employee, or their family member;
- Is used to transport agricultural products, farm machinery, farm supplies, or a combination of these items to and from a farm;
- Not be used for hire;
- Is operated within 150 statute miles of the farm; and
- The vehicle being operated is a combination vehicle with a power unit having a GVWR over 26,000 pounds towing a trailer of any size.

CDL Thresholds

(MVC 257.312e, FMCSR Part 383)

- A combination vehicle with a gross weight rating of 26,001 or more pounds that includes a trailer that has a gross weight rating of more than 10,000 lbs.;
- A single vehicle with a gross vehicle weight rating (not actual weight) of 26,001 or more pounds, with or without a trailer under 10,000 lbs. gross vehicle weight rating (GVWR);
- A vehicle that is designed to transport 16 or more passengers, including the driver; or
- A vehicle of any size (including passenger cars) transporting hazardous materials in an amount that requires placarding.

DEFINITIONS

Michigan has adopted the Federal Motor Carrier Safety Regulations (FMCSR) and the Federal Hazardous Materials Regulations (FHMR) into state law. Compliance with these regulations is required unless a specific federal or state exception exists. ***If the vehicle meets the below definition, then it must comply with the Federal Motor Carrier Safety Regulations (FMCSR), unless excepted.***

Intrastate: When a load originates and ends within the same state without crossing any state or federal boundaries during shipment.

Interstate: When a load originates in one state, and crosses in transit, or ends in another state or federal boundary.

Commercial Motor Vehicle

(Section 390.5 of the FMCSR)

- Designed and used on public highways to transport passengers or property;
- Has either a gross vehicle weight rating (single or combination) or an actual gross weight of 10,001 lbs. or more;
- Is designed for carrying more than 15 passengers including the driver (not for compensation);
- Is designed for carrying more than 8 passengers including the driver (for compensation); or
- Is used to transport hazardous materials in an amount that requires placarding.

As used above, “for compensation” means transportation for-hire. “Not for compensation” would include transportation of employees or contractors in the furtherance of the business or farm.

Farm Vehicle Driver

Farm Vehicle Driver is a person who operates a commercial motor vehicle that is all of the following:

1. Controlled and operated by a farmer, their employee, or family member;
2. Being used to transport agricultural products, farm supplies, or farm machinery to or from a farm;
3. Not being used in a for-hire operation;
4. Not carrying hazardous materials in an amount that requires placarding; **AND**
5. Being used within **150 air miles** (173 statute miles) of the farm.

As used in the FMCSR, “farmer” means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which are owned by that person; or are under the direct control of that person. This includes a business that operates a farm.

The term “for-hire” means a person engaged in transportation of property for compensation.

Under item #4, anhydrous ammonia tanks require placards, so the vehicles are not eligible for the “farm vehicle driver” provisions.

NOTE: The term “Farm Vehicle Driver” is used in several places in the Federal Motor Carrier Safety Regulations, usually providing relief from compliance with the regulations. It must be remembered, however, that to use that exception from the regulations, **you must comply with ALL of the above components of the definition.**

NOTE: There is no exception in State or Federal law for farm or agricultural operations from the vehicle equipment standards. Farmers must comply with Parts 392 (Driving of Motor Vehicles), 393 (Parts and Accessories), and 396 (Inspection, Repair, and Maintenance) of the Federal Motor Carrier Safety Regulations. Farmers or Farm Labor Contractors who transport migrant or seasonal agricultural workers covered by the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) must also follow the vehicle safety standards at 29 CFR Part 500, Subpart D.

NOTE: The term “for-hire” can differ considerably from one act of law to another. Generally speaking, “for-hire” means a verbal or written contract to transport someone else’s property for monetary compensation. For certain statutes, it may include compensation other than monetary.

DRIVER STANDARDS

Hours of Service (FMCSR 395.1)

For intrastate transportation, Farm Vehicle Drivers are not required to comply with hours of service and log books, Part 395 of the Federal Motor Carrier Safety Regulations (MMCSA, 480.15), provided they stay within all the provisions of the definition of "Farm Vehicle Driver" (Section 390.5), including the 150 air-mile radius (173 statute miles) of the farm.

For interstate transportation, agricultural operations are allowed an exemption from all of the Hours of Service regulations if operating within a 100 air-mile radius (115 statute miles) from the source of the commodities or the distribution point for the farm supplies.

For custom harvesters, USDOT interpretations allow the motor carrier to assign drivers to a new work reporting location, thus changing the base for the 100 air-mile (115 statute miles) radius calculation. For interstate transportation outside of the 100 air-mile radius (115 statute miles), farmers must comply with the hours of service requirements (Part 395 of the FMCSR).

Federal law defines agricultural commodity to mean any agricultural commodity, non-processed food, feed, fiber, insects or livestock. Farm supplies means products directly related to the growing or harvesting of agricultural commodities, and livestock feed. Also, USDOT interpretations state that fuel can meet the definition of an agricultural commodity if being used in tractors and other farm equipment.

Driver Qualifications (FMCSR 391.2)

For interstate transportation, single motor vehicles do not have to comply with any of the provisions of Part 391 (Qualification of Drivers). For interstate transportation of combination motor vehicles (articulated; e.g., truck tractor and semi trailer or a pickup truck and a stock trailer), Farm Vehicle Drivers are excepted from: maintaining list of violations; road test; employment application; investigation and inquiries on prospective drivers; and maintenance of driver files. However, in interstate transportation, farm vehicle drivers of combination vehicles (e.g., truck tractor and semi trailer), must have a medical certificate.

Additional exceptions are provided to farm custom operations. Part 391 (Driver Qualifications, including medical certificates) does not apply to drivers engaged in custom-harvesting operations, if the vehicle is used to transport farm machinery, supplies to or from a farm for custom-harvesting, or to transport custom-harvested crops to storage or market. Part 391 also does not apply to beekeepers engaged in the seasonal transportation of bees.

Age of Drivers

(FMCSR 391.11)

The thresholds below apply whether the vehicle is empty or loaded, and apply to any vehicle that meets the definition of a commercial motor vehicle (page 2).

Vehicle/Operation	Farm Vehicle Driver Intrastate or Interstate	Not a Farm Vehicle Driver
Single Vehicle	Minimum age to obtain license	18, Intrastate
Combination Vehicle	18	21, Interstate
Hazardous Materials that requires placarding	21	21, Intrastate or Interstate

For farm tractors, the Department of Labor has said that driving a farm tractor to school is “incidental” to farm operations. There is no minimum age requirement for an immediate family member (certain business structures may defeat the family exemption) of the owner of the farm tractor. If not an immediate family member of the owner of the farm tractor, the driver: (See USDOL Child Labor Bulletin 102, WH-1295 other hazardous equipment restrictions <http://www.dol.gov/whd/regs/compliance/childlabor102.pdf>)

- Cannot operate a farm tractor (20HP and over) if under the age of 14.
- Between ages 14-16, can operate a farm tractor (20HP and over) if he/she has a 4-H or Extension Safety Certificate specifically for farm tractor operations.
- No restrictions over age 16.

Commercial Drivers Licenses

Farmers have some unique exceptions to the CDL standard. First we will discuss the normal CDL requirements, and then we will cover the farmer exceptions.

Normal CDL Requirements (MVC 257.312e, FMCSR 383.91)

- A combination vehicle with a gross weight rating of 26,001 or more pounds that includes a trailer that has a gross weight rating of more than 10,000 lbs.;
- A single vehicle with a gross vehicle weight rating (not actual weight) of 26,001 or more pounds, with or without a trailer under 10,000 lbs. gross vehicle weight rating (GVWR);
- A vehicle that is designed to transport 16 or more passengers, including the driver; or
- A vehicle of any size (including passenger cars) transporting hazardous materials in an amount that requires placarding.

A Group A, B, or C CDL is required in order to obtain the H, N, P, S, T, or X endorsement.

Drug and Alcohol Testing

Drivers operating a vehicle that requires a CDL must comply with the drug and alcohol testing requirements (Part 40 and Part 382 of the Federal Motor Carrier Safety Regulations), except that operators of a farm vehicle, and their employers, who meet all of the following conditions are not required to comply with the drug and alcohol testing requirements:

- Controlled and operated by a farmer;
- Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;
- Not used in the operation of a common or contract motor carrier; and
- Used within 150 air miles of the farmer’s farm.

Additionally, the “F” endorsement is a Michigan exception to the CDL requirements that has been recognized by USDOT. As such, drivers with an “F” endorsement do not require drug and alcohol testing. A driver who operates within the “F” endorsement provisions is not required to comply with the drug and alcohol testing requirements, even if the driver holds a CDL.

Having a CDL does not necessarily mandate the individual be in a drug and alcohol testing program. An individual can hold a CDL for years without being in a drug and alcohol testing program if he/she is not driving a CMV. For more information about the drug and alcohol testing requirements, contact one of the organizations listed under “Sources.”

Farmer Exceptions to CDL Requirements (MVC 257.312e)

The following farm vehicles, for intrastate transportation, do not require CDLs:

- A single vehicle, regardless of gross vehicle weight rating, unless the power unit has a GVWR over 26,000 lbs., and is transporting hazardous materials in an amount that requires placarding;
- A combination vehicle, provided that the power unit has a gross weight rating of less than 26,000 lbs., even if transporting hazardous materials in an amount that requires placarding.

HOWEVER, to use the above two exceptions, the vehicle must:

- Be controlled and operated (not necessarily owned) by the farmer, their employee, or their family member;
- Be used to transport agricultural products, farm machinery, farm supplies, or a combination of these items to and from a farm;
- Not be used for hire; and
- Be operated within 150 statute miles of the farm.

The term “farmer” includes businesses that operate farms and their employees. Agribusiness operations, such as co-ops or farm dealers do not meet the farmer exemption for CDLs. Custom harvesters and farmers that contract with other farmers to transport product are not employees of the farmer and must have full CDLs and comply with drug and alcohol testing. A farmer that contracts to transport freight is “hauling for hire” and subject to all of the commercial trucking regulations.

For example, a farm employee operating a pickup truck and anhydrous ammonia tank (including leased or rented tanks) does not need a CDL (power unit is less than 26,000 lbs. GVWR), but the driver must be at least 21 years old (hazardous materials that requires placarding). A co-op employee or a custom harvester operating a pickup truck and anhydrous ammonia tank needs a CDL with an X endorsement and must be at least 21 years old.

“F” Endorsement (MVC 257.312e, 257.312f)

To operate a combination of vehicles with a power unit that exceeds 26,000 lbs. GVWR, a farmer must obtain the “F” endorsement. To use the “F” endorsement, however, the farmer must comply with the same four regulations listed on the previous page.

Farmers MUST have a CDL (not the “F” endorsement) when: (MVC 257.312e)

They transport hazardous materials in an amount requiring placarding in a vehicle with a gross vehicle weight rating of 26,001 lbs. or more, or a combination vehicle with a power unit that has a gross vehicle weight rating of 26,001 lbs. or more;

- They transport any commodity for hire (paid compensation, including custom harvesters; does not include in-kind labor);
- They transport any commodity outside a 150-mile radius (statute miles) from the farm; or
- They operate a bus that is designed to transport 16 or more persons.

Seasonal Restricted License

(MVC 257.312(f))

Seasonal Restricted Licenses for Group B or C vehicles are issued from April 2 to June 30 and from September 2 to November 30, OR for not more than 180 days from the date of issue in a 12-month period. The Seasonal Restricted License is only valid on routes within 150 statute miles from the place of business to the farm or farms being served, and may not transport hazardous materials for which placards are required except for:

- Diesel fuel in quantities of 1,000 gallons or less;
- Liquid fertilizers (including anhydrous ammonia) in quantities of 3,000 gallons or less;
- Solid fertilizers that are not transported with any organic substance (e.g., seed, corn, soybeans, etc.)

The Seasonal Restricted License is not valid for any vehicle that requires an H, N, P, S, T, or X endorsement, except as provided in the three regulations above.

Chauffeur License

(MVC 257.301)

The Chauffeur license is a Michigan-specific requirement. It does not apply to farmers or their employees when operating vehicles exclusively in connection with the farming operation (MVC 257.6(3)(a)). Generally speaking, for registration and license purposes, Christmas tree growing operations are farms.

Drivers from Canada and Mexico

(FMCSR 383.21)

Drivers with valid licenses from Canada or Mexico can legally operate vehicles, including vehicles for commercial use, in Michigan. If the vehicle is above CDL thresholds, the driver must have a valid CDL from the Federal Government of Mexico or a CDL from the appropriate Canadian province. The F endorsement is only an option for Michigan residents. Drivers from Mexico or Canada are still eligible for the various exceptions to the Federal Motor Carrier Safety Regulations (e.g., the Farm Vehicle Driver exemption from medical cards for single vehicles).

Seasonal guest workers (e.g. H2A workers) are eligible for Michigan driver licenses.

VEHICLE STANDARDS

Vehicle Identification (FMCSR 390.21)

If the vehicle meets the federal definition of a commercial motor vehicle (see page 2), it must display the company's name and USDOT number on both sides of the power unit. The identification/markings must be in a contrasting color and legible from at least 50 feet. However, for intrastate transportation the identification/markings requirements do not apply to a truck with a gross vehicle weight of less than 10,000 lbs. that is eligible for and registered under a farm license plate (regular farm plate or special farm plate).

A commercial vehicle with an actual gross weight or GVWR of more than 5,000 lbs. but less than 10,000 lbs. that does not have a farm license plate is required to display the company name, city, and state, or the registered logo or emblem, on both sides, in a contrasting color, no less than 3" in height (MVC 257.723). Vehicles between 5,000 lbs. and 10,000 lbs. may choose to comply with the federal name and USDOT # requirements in lieu of displaying the company name, city, and state. This section does not apply to vehicles used exclusively for personal use. Farm operations are considered in commerce. There is no prohibition against using a vehicle displaying identification and/or a USDOT number for personal use. Implements of husbandry are exempt from USDOT number requirements.

To obtain an intrastate USDOT number, go to <http://safer.fmcsa.dot.gov/> or call the Motor Carrier Division of Michigan Public Service Commission at 888-464-8736. To obtain an interstate USDOT number, go to <http://safer.fmcsa.dot.gov/> or call 800-832-5660. Intrastate means you do not cross state lines in commerce; interstate means you cross state or national borders in commerce. Registration information can be accessed and updated at any time using the online registration.

Vehicle Inspection – Annual & Post Trip (FMCSR 396.17)

Farmers must comply with the annual vehicle inspection requirements in Part 396. A sticker or inspection form must be on any commercial motor vehicle (power unit and any towed unit, excluding implements of husbandry) when in operation. Persons performing the inspection must meet the qualifications specified in the regulations. Proof of the inspection for the trailer may be kept in the power unit, provided it is made available upon request of a police officer.

If a farmer has more than one commercial motor vehicle power unit (truck or truck tractor), the driver must complete a written "post-trip" inspection form at the completion of each day's work on each vehicle operated. This form does not have to be carried in the vehicle.

A pick-up truck towing an anhydrous ammonia nurse tank meets the definition of a commercial motor vehicle (any size vehicle that requires placards) and both units are required to have an annual inspection. Annual inspection forms or stickers must be present for all units in the combination when operated on a roadway. It is the responsibility of the person operating the vehicle on the roadway to ensure that the inspection documentation is available. Agribusiness operations that lease or rent vehicles, including anhydrous ammonia tanks, to farmers, are responsible for ensuring their vehicles have received an annual inspection, as well as the mandatory periodic hazardous materials tank tests.

Retroreflective Tape (FMCSR 393.11, 393.13)

The Federal Motor Carrier Safety Regulations (FMCSR; see page 2) require trailers and semi trailers manufactured prior to December 1, 1993, to be retrofitted with retroreflective tape. The regulation applies to trailers and semi trailers with an overall width of 80" and a gross vehicle weight rating of 10,001 lbs. or more. There is no exception for implements of husbandry or nurse tanks towed by a pick up truck or truck from this requirement. The federal definition of "trailer" and "semitrailer" includes all vehicles that are towed by another vehicle. Refer to FMCSR Section 393.13 for the color combinations and placement locations that are permitted. Implements of husbandry manufactured after 1/1/2007, must meet the extremity marker & lighting requirements of ASAE. The Michigan State Police is not currently enforcing the retroreflective tape requirement on implements of husbandry in intrastate transportation.

Brakes

(FMCSR Part 393)

Generally, State and Federal Regulations require brakes on all wheels for commercial motor vehicles. Brakes are not required (intrastate and interstate) on a full trailer or semi trailer having an actual gross weight of 3,000 lbs. or less and the weight of the towed vehicle resting on the towing vehicle does not exceed 40% of the actual gross weight of the towing vehicle (Section 393.42 and Section 257.705).

Farm tractors towing implements of husbandry and self-propelled implements of husbandry are exempt from all of the Federal Motor Carrier Safety Regulations, intrastate and interstate, including brakes.

If the implement of husbandry is being towed by a pick up truck, and the combination meets the definition of a commercial motor vehicle, brakes are required on all wheels. For example, a pick up truck towing an anhydrous ammonia nurse tank is a commercial motor vehicle, and requires brakes. Or, a pick up truck towing a hay wagon, and the gross combination rating exceeds 10,000 lbs., is a commercial motor vehicle and requires brakes on all wheels.

The Michigan State Police is not currently enforcing the brake requirement on implements of husbandry moved in intrastate transportation.

Surge Brakes (MVC 257.705(1)(c))

Intrastate: Surge brakes are allowed on a combination of vehicles with an actual combination gross vehicle weight or a gross combination weight rating of 26,000 pounds or less, provided the trailer or semitrailer has an actual gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less. Vehicles of any size that are transporting hazardous materials in an amount that requires placarding or vehicles that are designed to transport more than 8 passengers, including the driver, are prohibited from being equipped with surge brakes.

Interstate: A Surge Brake is defined in Section 393.5 as "A self-contained, permanently closed hydraulic brake system for trailers that relies on inertial forces, developed in response to the braking action of the towing vehicle, applied to a hydraulic device mounted on or connected to the tongue of the trailer, to slow down or stop the towed vehicle."

Section 393.40 specifies that vehicles with surge brakes must have a service brake system that meets Sections 393.42, 48, 49, 51 and 52. Section 393.48(d) exempts surge brake vehicles from the provision that requires brakes to be operating at all times. In addition, it states that surge brakes are allowed on:

- Any trailer with a Gross Vehicle Weight Rating (GVWR) of 12,000 lbs. or less, when its GVWR does not exceed 1.75 times the GVWR of the towing vehicle; and
- Any trailer with a GVWR greater than 12,000 lbs., but less than 20,001 lbs., when it's GVWR does not exceed 1.25 times the GVWR of the towing vehicle.

The regulation states that the gross vehicle weight (GVW) of a trailer may be used instead of the GVWR to calculate compliance when the GVWR is unavailable. The regulation further specifies that the GVW must be used to calculate compliance when the trailer's GVW exceeds its GVWR.

Section 393.49 requires a vehicle to have a braking system so that one application valve when activated, causes all the service brakes on the vehicle or combination to operate. This section has been amended to exempt the following:

- Driveaway-towaway operations unless the brakes on such operations are designed to be operated by a single valve; and
- Trailers equipped with surge brakes that satisfy the conditions specified in Section 393.48(d).

Hitches/Safety Chains/Pulling Trailers

(MVC 257.721)

Michigan restricts the number of trailers that may be towed and sets standards for the connecting devices. Michigan permits certain vehicles to tow two trailers, and requires those trailers to employ fifth wheel mechanisms. There are three exceptions to the 5th wheel requirement: The recreational combination (e.g., pick up truck, camper, boat trailer); a certain type of garbage truck and trailer combination; the farm tractor and two wagons combination. A pick up truck or straight truck may tow only one farm wagon or nurse tank, regardless of the type of connecting device.

For vehicles meeting the definition of a commercial motor vehicle (interstate and intrastate), the Federal Motor Carrier Safety Regulations require the use of two safety chains, one on each side, or one chain in a bridle arrangement. Chains must have an ultimate strength of not less than the actual gross weight of the trailer being towed (FMCSR 391.70(d)).

For intrastate transportation, vehicles that do not meet the definition of a commercial motor vehicle (under 10,000 lbs. combination gross weight), are required to have two safety chains, one on each side. This applies to trucks or farm tractors. However, an implement of husbandry with a GVWR (combination or single) of 10,000 lbs. or less, may use the single bridle chain.

Farm tractors are exempt from the safety chain requirements of the FMCSR in Michigan, but are subject to the safety chain requirements of Section 257.721 (Michigan Motor Vehicle Code).

Registration Requirements

(MVC 257.801)

Differences between Farm and Log Plates		
Type of use	Log plate	Farm plate
For-hire operations*	Yes	No
Personal use	No	Yes

Farm Plates

Farm plates must be used exclusively in connection with the farm or for the transportation of the farmer and the farmer's family, including transportation for personal use (MVC 257.801(c)). The Farm plate may not be used for hire. A farmer may loan his farm-plated vehicle to another farmer for use in that farmer's farming operation, and not used for hire. A farm plate may be used by a farmer hauling livestock or farm equipment for other farmers for remuneration in kind or in labor, but not for money.

Generally speaking, for registration and license purposes, Christmas tree growing operations are farms. Farm plates cannot be used on vehicles transporting products in support of retail sales operations.

Farm plates may be used for the purpose of sod growing operations to deliver their commodity (sod) to market (e.g. residential home) as long as they are in compliance with the other requirements of the farm plate (see above).

Log Plates

Log plates must be used exclusively in connection with a logging operation (MVC 257.801(d)). A "wood harvester" includes a person(s) hauling and transporting raw materials in the form produced at the harvest site, or transporting wood harvesting equipment.

A wood harvester may transport logging equipment on a log plate. A log plate may be used for for-hire operations. "Wood harvesting" does not include the transportation of processed lumber, Christmas trees, or processed firewood for a profit-making venture. So, if the logs are debarked or chipped, or even chipped and bagged at the site, they can be moved on a log plate. In addition, log plates are not valid for tree trimming or landscaping operations.

Milk Plates

Milk plates must be used exclusively to haul milk from the farm to the first point of delivery (MVC 257.801(d)). Milk plates may be used for for-hire operations.

Special Farm Plates

Special Farm Plates must be used exclusively for:

- The purpose of gratuitously transporting farm crops or livestock bedding (straw, sawdust, or sand) between the field where produced and the place of storage;
- Feed (hay or silage) from on-farm storage to an on-farm feeding site; or fertilizer, seed or spray material from the farm location to the field MVC (257.802 (9));
- These plates may also be used for transporting crops from the field to a grain elevator (SOS ruling).

These plates cannot be used in transportation for hire ("custom harvesting work") or to transport general supplies.

Other Registration Requirements

Unless using a farm plate, the following commercial motor vehicles must have Elected Gross Vehicle Weight (EGVW) plates (MVC 257.801(1)(k)):

- A pickup truck or truck with an empty weight of more than 8,000 lbs. (with or without a trailer);
- A truck under 8,000 lbs. empty weight towing a non-recreational trailer of any size;
- Road tractors and truck tractors, unless towing a recreational trailer.

Fuel Tax Permits

The Motor Carrier Fuel Tax Act (Act 119) exempts trucks, truck tractors and road tractors owned by a farmer, used in the farming operation and not used for hire from obtaining a fuel tax permit, regardless of whether the vehicle is displaying farm plates or commercial plates. Not all states extend the same exemption. Farmers traveling interstate should be advised to check the jurisdictions they are traveling in to see if an IFTA permit is required. Permit exemptions for each jurisdiction are found on the IFTA, Inc. web site at www.iftach.org.

Qualifying vehicles:

1. A power unit having three or more axles; or
2. A power unit having two axles and a gross vehicle weight or registered gross vehicle weight in excess of 26,000 pounds; or
3. A combination weight exceeding 26,000 pounds. (IFTA also includes: "or a combination registered weight exceeding 26,000 pounds.")

All commercial motor vehicles that operate solely within Michigan are exempt from the fuel tax permit requirement.

Dyed Diesel Fuel

It is illegal to operate a motor vehicle on a public roadway with dyed diesel fuel (MCL 207.1122). Implements of husbandry (not all farm vehicles) are exempt from this prohibition. Implements of husbandry that are also licensed vehicles are restricted from using dyed diesel on public roadways (MCL 207.1003).

Shipping Papers

With the exception of hazardous materials, there is no requirement for a motor carrier to have shipping papers or a bill of lading in the vehicle during transportation. Most regulated hazardous materials do require shipping papers, unless exempted or excepted (see the Federal Hazardous Materials Regulations Section of this publication).

Part 529 of the Michigan Natural Resources and Environmental Protection Act (Act 451 PA 1994) regulates the removal and transportation of Christmas trees and other plants. Section 324.52901 of this Act requires a person to have a bill of sale in their possession when moving most trees and shrubs. There are additional requirements for carriers and sellers of trees and plants in Part 529.

MOTOR CARRIER STANDARDS

Driver Files (FMCSR 391.51)

For intrastate transportation (MMCSA, 480.15), Farm Vehicle Drivers are excepted from:

- Employment applications;(FMCSR 391.21)
- Investigations and Inquiries of prospective drivers;(FMCSR 391.23)
- Road tests; (FMCSR 391.23)
- Medical qualifications and Medical Certificates;(FMCSR 391.41, 391.43)
- Maintenance of driver files.(FMCSR 391.51)

Driver Qualifications (FMCSR 391, Subpart C)

For interstate transportation, single motor vehicles do not have to comply with any of the provisions of Part 391 (Qualification of Drivers). For interstate transportation of combination motor vehicles (articulated; e.g., truck tractor and semi trailer or a pickup truck and a stock trailer), Farm Vehicle Drivers are excepted from: maintaining list of violations; road test; employment application; investigation and inquiries on prospective drivers; and maintenance of driver files. In interstate transportation, farm vehicle drivers of combination vehicles (e.g., truck tractor and semi trailer), must have a medical certificate.

Additional exceptions are provided to farm custom operations. Part 391 (Driver Qualifications, including medical certificates) does not apply to drivers engaged in custom-harvesting operations, if the vehicle is used to transport farm machinery, supplies to or from a farm for custom-harvesting, or to transport custom-harvested crops to storage or market. Part 391 also does not apply to beekeepers engaged in the seasonal transportation of bees.

Insurance (FMCSR 387.3, 387.7)

Part 387 applies to all farmers, interstate or intrastate, who are “hauling for hire” or anyone transporting any amount of hazardous materials. This law requires an MCS-90 form to be on file at the company’s place of business. The MCS-90 form is available from your insurance carrier. An MCS-90 may also be required if the farmer accepts compensation for another farmer’s products. See Administrative Ruling No. 119 for details. Vehicles transporting covered migrant or seasonal agricultural workers must comply with the insurance requirements of 29 CFR Part 500, Section 500.121-128 (Federal Migrant and Seasonal Agricultural Worker Protection Act).

Accident Records (FMCSR 390.15)

Motor carriers, including farm operations, must maintain an accident register for a period of one year after an accident occurs containing the following information:

- Date of accident;
- City or town nearest the location the accident occurred, and the State;
- Driver name;
- Number of injuries;
- Number of fatalities;
- Whether hazardous materials (other than fuel from fuel tanks) was released; and
- Copies of all accident reports required by States or insurance companies.

(Note: All unintentional releases of hazardous materials must be reported on form DOT F 5800.1.)

Unified Carrier Registration

In 2005 the USDOT re-authorization bill known as SAFETEA-LU, eliminated the Single State Registration System (SSRS) and replaced it with the Unified Carrier Registration (UCR). Under UCR, all interstate motor carriers including for-hire, private, exempt, and interstate household goods carriers, are required to register under UCR. Carriers that operate solely intrastate are not required to register under UCR.

Additionally, some private motor carriers of passengers, e.g., church buses, are not subject to UCR registration. SAFETEA-LU extended UCR requirements to brokers, freight forwarders and leasing companies operating in interstate and international commerce which were previously exempt from SSRS.

Michigan recently amended Public Act 254 with Public Act 584 of 2008, allowing enforcement of the UCR provisions. The Michigan Public Service Commission (MPSC) is authorized to collect and distribute UCR funds which are restricted for commercial vehicle safety programs.

There is an annual cost based on the size of the fleet. For purposes of determining fees, a commercial motor vehicle is defined as a self-propelled or towed vehicle used in the highways in commerce principally to transport passengers or cargo, if the vehicle:

- has a gross vehicle weight rating or gross vehicle weight of 10,001 pounds or more;
- is designed to transport 11 or more passengers, including the driver; or
- is used in transporting hazardous materials in a quantity that requires placarding.

New Entrant Safety Assurance Program

Carriers seeking to operate in interstate commerce must complete form MCS-150 "Combined Motor Carrier Identification Report." To apply for Interstate Operating Authority, a carrier must complete the appropriate form in the OP-1 series. Use the online Registration & Compliance Assistant to determine which forms to fill out at www.fmcsa.dot.gov/registration-licensing.

The New Entrant Period

The New Entrant will be monitored during the initial 18-month period. The New Entrant must:

- Operate Safely.
- Maintain up-to-date records.
- Conduct periodic inspections and perform maintenance on CMVs.
- Pass the Safety Audit.

FMCSA will:

- Conduct a Safety Audit on the New Entrant.
- Monitor safety performance through roadside inspections.
- Grant permanent authority, if safe.

The Safety Audits and Compliance Reviews

Who is involved?

- A certified U.S. federal safety investigator, state or provincial enforcement officer.
- The motor carrier (possibly including managers, drivers, mechanics, and other staff).

When will a Safety Audit or review occur?

- Within the 18-month monitoring period.

When will Compliance Reviews/Intervention occur?

- At any time FMCSA safety data indicates problems.

Where will these take place?

- Generally audits, compliance reviews/interventions take place at the principal place of business.

Components of the Safety Audits, Compliance Reviews/Interventions

Post Crash Investigation	49 CFR Part 390
Financial Responsibility.....	49 CFR Part 387
Vehicle Safety Maintenance	49 CFR Parts 393 and 396
Controlled Substance Testing and Driver Review.....	49 CFR Parts 382, 383, 391, and 392
Hours of Service	49 CFR Part 395
Hazardous Materials.....	49 CFR Parts 171–180

Automatic Failure of the Safety Audit

A New Entrant will AUTOMATICALLY FAIL the Safety Audit for violations related to:

Alcohol and Drug Violations

- No alcohol and/or drug testing program.
- No RANDOM alcohol and/or drug testing program.
- Using a driver who refused a required alcohol or drug test.
- Using a driver the company knows had a blood alcohol content of 0.04 or greater.
- Using a driver who failed to complete required follow-up procedures after testing positive for drugs.

Driver Violations

A New Entrant fails the Safety Audit for knowingly:

- Using a driver without a valid CDL.
- Using a disqualified driver.
- Using a driver with a revoked, suspended, or cancelled CDL.
- Using a medically unqualified driver.

Operations Violations

- Operating a motor vehicle without having in effect the required level of insurance.
- Failing to require drivers to make hours-of-service records.

Repairs and Inspection Violations

- Operating a vehicle declared Out-of-Service for safety deficiencies before repairs are made.
- Not performing OOS repairs reported in driver-vehicle inspection reports (DVIRs).
- Operating a CMV not periodically inspected.

Results of the Safety Audit

- If passed, FMCSA will continue to monitor the New Entrant's safety compliance and performance.
- If failed, New Entrants must satisfactorily implement a corrective action to correct safety management practices. Failure to do so will result in immediate revocation of U.S. DOT registration.

Changes to Roadside Inspections

The changes to roadside inspections affect everyone. For a New Entrant, expedited action is taken. FMCSA has identified 7 "triggering incidents" that pose the greatest threat to public safety. If a "triggering incident" is revealed during a roadside inspection of a New Entrant, expedited action will be initiated.

Roadside Inspections Triggering Incidents

1. Using a driver without a valid CDL.
2. Operating a vehicle declared OOS without making repairs.
3. Being involved in a hazardous materials (HM) reportable incident involving radioactive materials, explosives, or inhalable poisons.
4. Being involved in 2 or more HM incidents with HM other than those above.
5. Using a driver who tests positive for drugs or alcohol OR refuses to take a test.
6. Operating without proper insurance.
7. Having a driver or vehicle OOS rate of 50% or more in a 90-day period.

Expedited Action May Include

- Initiation of an expedited Safety Audit.
- Requirement placed upon the New Entrant to submit written evidence of corrective action.
- Initiation of an expedited compliance review or intervention.
- Revocation of New Entrants' registration and placement OOS.

Corrective Action

Should a New Entrant motor carrier fail a Safety Audit, the motor carrier will have an opportunity to correct its safety management program.

- 45 days to submit evidence of corrections for carriers of passengers or hazardous materials.
- 60 days to submit evidence of corrections for all other carriers.

Administrative Reviews

If a New Entrant fails a Safety Audit but believes it was made in error, the motor carrier may request an administrative review in writing to the Field Administrator at its FMCSA Service Center.

- List all facts and include supporting documents.
- Submit additional information if requested.
- Attend conference with Field Administrator if requested.

For additional information, please visit the FMCSA web site:

www.fmcsa.dot.gov

or call the FMCSA Information Line

1-800-832-5660

TRAFFIC REGULATIONS

Traffic regulations vary from state to state. This is a discussion of some of the Michigan Vehicle Code laws that apply to farmers and agricultural operations. ***It must be remembered that, although the Michigan Vehicle Code and the Federal Motor Carrier Safety Regulations often use the same terms, they may have different definitions for those terms.***

Implements of Husbandry

An "Implement of Husbandry" is defined as a vehicle which is either a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field (MVC 257.21). See Appendix A at the end of this document for an in-depth discussion.

A "Farm Tractor" is defined as every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry (MVC 257.16).

"Special Mobile Equipment" is defined as every vehicle not designed or used primarily for transportation of persons or property and incidentally operated or moved over the highways, including farm tractors (MVC 257.62). The exemptions for Special Mobile Equipment are found only in Act 300, the Michigan Motor Vehicle Code. There are NO exemptions for "Special Mobile Equipment" in the FMCSR. For example, mobile porta-johns, when empty, meet the Special Mobile Equipment exemption for license plates in Act 300, but must comply with all the FMCSR (annual inspections, driver age, etc.)

- A driver's license is not required for the operation of an implement of husbandry (MVC 257.302(b)).
- A license plate is not required on any implement of husbandry (MVC 257.216).
- Posted weight limitations on public bridges, causeways, or viaducts do not apply to implements of husbandry being used for a function essential to a farm operation otherwise reasonably inaccessible to vehicles performing the essential agricultural function (MVC 257.631(2)(a)(b)).
- Self-propelled farm implements must not be operated on freeways or limited access highways (MVC 257.679a(1)).
- An implement of husbandry must be operated so as to minimize the interruption of traffic flow (MVC 257.717(2)).
- Implements of husbandry and farm tractors require at least 1 lighted white light, visible from a distance of 500 feet, on the front of the vehicle and one red light to the rear of the vehicle, visible from a distance of 300 feet, at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead (MVC 257.684(a), 257.695). Farm tractors and implements of husbandry manufactured after January 1, 2007, are required to meet the ASAE lighting standards.
- Slow Moving Vehicle (SMV) emblems and additional red reflectors on the outboard edges are required on any implement of husbandry, farm tractor, and special mobile equipment. Farm tractors and implements of husbandry manufactured after January 1, 2007, are required to meet the ASAE standards for slow moving vehicle emblems and other marking including extremity marking. It is also required on every vehicle that has a maximum speed potential of 25 miles an hour operated on public highways.
- The use of the SMV emblem is limited to the vehicles described above, and the use on any other vehicle or stationary object is prohibited (MVC 257.688(g)). This section does not mean that all vehicles with an SMV sign are limited to a speed of 25 mph. Each vehicle stands separately: ANY implement of husbandry; ANY farm tractor; ANY special mobile equipment; or ANY vehicle with a maximum speed of 25 mph. It is possible for a vehicle to have license plates and display the SMV sign. There is no requirement to cover SMV signs when being transported on a trailer.

- A vehicle towing an implement of husbandry or an implement of husbandry may be equipped with flashing, rotating, or oscillating amber lights. Amber is the only color permitted for this application (MVC 257.698(f)). Vehicles using the light(s) must still display the SMV and reflective materials.
- A farm tractor or other implement of husbandry does not need to be equipped with a windshield (MVC 257.708a).
- The provisions governing size, weight, and load do not apply to an implement of husbandry incidentally moved upon a highway (MVC 257.716(2) and 257.631(2)).
- An implement of husbandry must be operated to the right of the center of the roadway; when approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within a distance as to create a hazard in the event another vehicle might approach from the opposite direction; when the view is obstructed upon approaching within 100 feet of a bridge, viaduct, or tunnel; and from a half hour after sunset to a half hour before sunrise or any time visibility is substantially diminished due to weather conditions (MVC 257.639, 257.717(2)).
- Crawler or track-type tractors with metal or plastic tread (not rubber) must not be operated on roads unless owner has a special permit from state highway commissioner, county road commission or other authority having jurisdiction (MVC 257.725(3) and 257.710).
- A person operating an implement of husbandry shall follow all traffic regulations (MVC 257.717(2)).
- The bumper and suspension system requirements do not apply to implements of husbandry (MVC 257.710c(7)).
- Drinking and driving laws apply to implements of husbandry (MVC 257.625).
- A person cannot block, obstruct or interfere with traffic on a roadway with a vehicle, object, device, or their person. (MVC 257.676b) This may include dirt, mud, etc. coming off of tires and vehicles that makes travel difficult or dangerous.
- There is no exception in Federal law from seat belts for implements of husbandry manufactured after 1976.
- Section 257.726 allows local jurisdictions to establish truck routes. The statute requires the routes to be posted. Farmers should check regularly with local jurisdictions for changes or additions to local truck routes.

ATV Operations

The operation of ATVs on road right-of-ways is restricted to and from farm and field. Any other operation on a right-of-way (shoulder) is illegal. The ATV must be marked with a slow moving vehicle sign if it meets the definition of an implement of husbandry or must display a 100 sq. inch flag (any color, must be reflective material) 8' above the unit. General traffic regulations apply to a farm tractor or ATV operated on a right of way. An ORV permit is required except for "...a farm vehicle being used for farming..." (MCL 324.81101(e)) A farmer may operate an ORV on the extreme right side of a highway when it is not practicable to operate off the highway (see MCL 324.81122).

Tarping and Spilling

A person operating a vehicle to transport agricultural commodities is not required to cover the load (MVC 257.720). In addition, the movement of sand, gravel, and dirt in a farm truck or implement of husbandry in the normal operation of a farm does not require a tarp. There is no requirement to be a "farmer" or to display farm plates to use these exceptions.

A person operating a vehicle transporting agricultural commodities shall not spill under the Motor Vehicle Code (MVC 257.720), however the statute does state that "...hay, straw, silage, or residue from a product, but not including the product itself, or when materials such as water used to preserve and handle agricultural or horticultural products while in transportation, escape from the vehicle in an amount that does not interfere with other traffic on the highway" shall not be considered a violation of the spilling statute. "Silage" is any plant material that is used for animal feed, and is also commonly referred to as "forage."

Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this section.

While the language of subsection MVC (257.720(6)) gives the impression that a person transporting agricultural products does not have to secure their load at all, subsection (1) and Act 181 require load securement for agricultural products.

It is important to note there is no farm or agricultural exemption in the Michigan Motor Carrier Safety Act that adopts the Federal Motor Carrier Safety Regulations (FMCSR). **Farm vehicles that meet the definition of a commercial motor vehicle must comply with the cargo securement regulations of the FMCSR. The regulations are commodity-specific.**

Refer to Part 393, Sections 393.100-136 for specific requirements. Due to changes in the Federal Motor Carrier Safety Regulations (FMCSR), it is NOT acceptable to use a secured tarp or canvas to secure sod. However, compliance with the FMCSR is not to be inferred to include that a tarp is required on open-top bulk transportation of agricultural commodities. Appendix B of this document has the working load limit tables from the FMCSR.

Securement of Hay/Straw Bales

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration has issued a policy regarding the securement of square bales of hay or straw.

The policy permits the securement of bales that satisfies the "equivalent means of securement" requirements found in Section 392.102(c). **The bales must be loaded in a pattern that interlocks adjacent square bales together, to "unitize" the load such that the individual bales effectively act as a single unit.** When the bales are unitized by loading them in the interlocking patterns, the following tiedown requirements apply:

1. Trucks or trailers 32 feet or less in length require the use of a minimum of one lateral tiedown placed in the approximate center of the length of a truck or trailer.
2. Trucks or trailers greater than 32 feet in length require the use of a minimum of two lateral tiedowns which must be positioned at approximately one-third and two-thirds the length of the truck or trailer.
3. In both cases above, the aggregate working load limit requirements (Section 393.106(d)) must also be met.
4. For loads of square bales of hay or straw that are not unitized by the interlocking methods and the tiedown requirements listed above must comply with all the cargo securement provisions of Sections 393.100-114.

The Michigan State Police Traffic Safety Division is honoring the above FMCSA policy.

Size and Weight Laws

Because of its complexity, the entire weight law will not be discussed here. However, there are some provisions specific to agricultural operations. Weight laws do not apply to implements of husbandry (MVC 257.716(2) and 257.631(2)), if it is moved incidentally on the highway. There is no exception for vehicles coming out of a farm field or gravel pit; all vehicles, commercial and personal, are subject to Michigan's size and weight laws. Also, there is no provision that requires a police officer to allow the driver an opportunity to make the load legal prior to taking enforcement action. Vehicles are required to be within legal weights whenever they are being operated on the roadway.

Federal Length and Width Exemptions

Section 257.719(9)(b) was amended to adopt Section 658.16 and Appendix D to Part 658 of Title 23 CFR by reference. These provisions of Title 23 specify certain safety and energy conservation devices that are exempt from measurement for length and width.

"Misload" Fines

Although the term is not specifically defined, "misload" weight citations have a separate fine schedule. Section 257.724 provides for a set fine if the court finds "...that the motor vehicle or combination of vehicles would be lawful by a proper distribution of the load upon all the axles of the vehicle or combination of vehicles..." The fine is to be \$200 per axle, with a limit of 3 axles, for a maximum "misload" fine of \$600. However, if any one axle in the combination is more than 4,000 lbs. overweight, the cents-per-pound schedule in subsection (3) is to be applied. Vehicles that are "overgross" (would not be lawful by a proper distribution of all the axles) are also fined according to subsection (3).

Lift Axles

Section 257.724a addresses the weighing of lift axles. Subsection (1) exempts a vehicle equipped with lift axles from all weight laws during the period that the axles are raised to negotiate an intersection, driveway, or other turn, and until the lift axles are fully engaged after the time necessary to negotiate the turn. In addition, subsection (2) requires that prior to weighing a vehicle equipped with air axles that have been raised to negotiate a turn, the officer shall allow the lift axles to be lowered and placed under full operational pressure.

"Agricultural Commodity" Defined

This definition only applies to the weight law. Section 257.722(13) defines an agricultural commodity as "...those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, and fuel for agricultural use. The term "agricultural commodities" shall not include trees and timber."

"Frost Law" Exception

During reduced loading (or "Frost Law") on local roads (not state highways), a person transporting agricultural commodities (as defined above) may obtain a permit from the county road commission to run normal loading weights. This permit must be applied for not less than 48 hours prior to the movement. The permit must contain the route, date/time, and maximum speed. Milk haulers are also eligible for frost law permits if not operating under a negotiated agreement. (Section 257.722(5))

Five-axle Truck Tractor-Semi Trailer Combination (Agricultural Commodities ONLY)

A five axle truck tractor –semi trailer combination having two consecutive sets of tandems (a “tandem-tandem”) may operate at a gross weight of 17,000 lbs. for each axle of the tandem provided there is no other axle within 9 feet of any axle of the tandem axles. The first and last axles of the consecutive sets of tandems must be at least 36 feet apart and the gross vehicle weight cannot exceed 80,000 lbs. The vehicle combination must pick up and deliver agricultural commodities between the national truck network or special designated highways and any other highway. (Section 257.722(4))

For purposes of this subsection, a "tandem axle" means 2 axles spaced more than 40 inches but not more than 96 inches apart or 2 axles spaced more than 3-1/2 feet but less than 9 feet apart. This subsection does not apply during that period when reduced maximum loads are in effect pursuant to subsection MVC (257.722(8)).

Size Laws

Section 257.716(2) exempts implements of husbandry (not all farm vehicles) from the height, width, and length laws. However, Section 257.717 restricts an implement of husbandry from being operated left of the center line whenever headlights are required. Implements of husbandry must be operated in a manner to minimize the interruption of traffic flow. Implements of husbandry loaded on trailers or semi trailers must obtain a permit if it exceeds the height, width, and length laws. There is no requirement to remove the tires on an implement of husbandry on a trailer when operating under a permit.

Projecting Loads (MVC 257.693)

No vehicle may have a load or equipment that projects more than 3' to the front. No vehicle may have a load or equipment that extends more than 4' to the rear without having a flag during daylight hours or a red light when vehicle headlights are required.

FEDERAL HAZARDOUS MATERIALS REGULATIONS (FHMR)

The FHMR is found in Title 49, Code of Federal Regulations (CFR 49), Parts 100-180. It applies to all transportation in commerce, including farmers and agricultural retail operations. Michigan has adopted the FHMR into state law by reference, with the exception of Section 173.8 (nonspecification packages for flammable liquids).

The regulations are too complex and lengthy to discuss here in detail. Below are the basic components that are involved in hazardous materials transportation. There are exceptions within various components:

- Registration with USDOT (107.600)
- Training Requirements (172.700)
- Shipping Papers (172.200)
- Marking (172.300)
- Labeling (172.400)
- Placarding (172.500)
- Emergency Response Information and Telephone Number (172.600)
- Specification Packages (Part 178)
- Testing and Inspections of Cargo Tanks (180.400)

Drivers of vehicles containing hazardous materials should also read the sections of this publication regarding Age of Drivers and Commercial Driver Licenses.

Agricultural Operations (Section 173.5)

Section 173.5 of the Federal Hazardous Materials Regulations (FHMR), adopted into state law on September 30, 1998, provides relief for farmers transporting certain hazardous materials.

Note: This exemption only applies to intrastate transportation. It does not apply to the transportation of hazardous materials across state or national borders. Farmers must comply with all of the Federal Hazardous Materials Regulations for interstate transportation.

"Farmer" is defined in §171.8 as "...a person engaged in the production or raising of crops, poultry, or livestock. "Agricultural product" is defined as "...a hazardous material, other than a hazardous waste, whose end use directly supports the production of an agricultural commodity including, but not limited to a fertilizer, pesticide, soil amendment or fuel. An agricultural product is limited to a material in Class 3, 8, or 9, Division 2.1, 2.2, 5.1, or 6.1, or an ORM-D material."

Note that there are a number of restrictions in those two definitions. Agricultural products must directly support the farm, and excluded are hazardous wastes, and Classes/Divisions 1 (explosives), 2.3 (poison gases), 4 (flammable solids), 5.2 (organic peroxides), 6.2 (infectious substances), and 7 (radioactives).

Between Fields of the Same Farm

This exception for farmers applies to any agricultural product (see above) except Class 2 (e.g., anhydrous ammonia nurse tanks) that is transported "over local roads between fields of the same farm". It must be transported by a farmer (see above) who is an intrastate private motor carrier.

If all of the above provisions are met, the farmer does not have to comply with any of the provisions of the FHMR. For example, taking a tank of gasoline over local roads to run farm equipment on your own fields is excepted from all of the hazardous materials regulations. **This exception does not include driving into town to pick up supplies, or other farm-related functions. It is strictly from the farm to the field and between fields.**

This means that any *agricultural product* (e.g., pesticides, diesel fuel or gasoline) transported by a *farmer over local roads* between fields of the same farm *for farm use* is completely out of the regulations. Packages still have to be secured in the vehicle and must be free of leaks. Vehicles still have to comply with the Federal Motor Carrier Safety Regulations (FMCSR) and the Michigan Vehicle Code.

Within 150 Miles of the Farm

This second exception for farmers applies to any agricultural product transported to or from a farm, within 150 miles (statute miles) of the farm. It must be transported by a farmer who is an intrastate private motor carrier.

The only exceptions in this provision, however, is Emergency Response Information and Telephone Number (Part 172, Subpart G, 172.600) and Training (Part 172, Subpart H, 172.700); as well as specification packaging. **All other requirements (e.g., shipping papers, markings, labels, placards, etc.) still apply.**

In addition, this provision has some quantity limitations. One vehicle may not exceed a total of:

- 7,300 kg (16,094 lbs.) of ammonium nitrate fertilizer, Division 5.1, PG III in a bulk packaging; or
- 1900 L (502 gallons) for liquids or gases, or 2,300 kg (5,070 lbs.) for solids, of any other agricultural product.

A vehicle may have a combination of these products on as long as each amount is not exceeded. For example, one vehicle may have a 300-gallon tote of a liquid pesticide, 2,000 lbs. of a solid pesticide, and 5,000 lbs. of ammonium nitrate fertilizer and still employ this provision.

If any of these amounts are exceeded, or the 150 miles (statute miles) is exceeded, then all of the FHMR applies and the movement must be in full compliance with the regulations. There are other exceptions to the regulations for operations that do not comply with Section 173.5, such as Materials of the Trade (MOTs; 173.6). Refer to the FHMR for details.

Anyone using the provisions of this section must be instructed in the applicable requirements of the FHMR.

Dispensing Tanks

Agricultural and construction operations often use dispensing tanks in the back of pick up trucks for gasoline and diesel fuel. There are some restrictions with their use. The requirements discussed here, however, do not apply to a vehicle that is eligible for and complying with the provisions of Section 173.5, Agricultural Operations (above).

Gasoline in a package with a capacity of more than 8 gallons (see Section 173.6, Materials of Trade) must be in a USDOT specification container. Most dispensing tanks purchased at local supply stores DO NOT meet this specification. The use of non-USDOT specification tanks for gasoline is illegal.

Dispensing tanks may be used for diesel fuel with no restriction provided the capacity of the tank does not exceed 119 gallons (450 liters). Diesel fuel or gasoline in a tank with a capacity of 119 gallons or more is required to have shipping papers, markings, and placards. Whenever placards are required, a HM endorsement is necessary. Additionally, gasoline transported in a package with a capacity of 119 gallons or more must be in a USDOT specification package.

Nurse Tanks

Nurse tanks used to transport anhydrous ammonia may NOT use aluminum pressure relief valves. Anhydrous ammonia attacks and corrodes aluminum, and the valve may discharge suddenly and improperly. Owners of nurse tanks should inspect their tanks to ensure that aluminum safety devices are not present.

Nurse tanks may not be loaded to a filling density greater than 56%. Filling density is NOT the same as volume. The tank must be secured to a farm wagon and have a capacity of no more than 3,000 gallons. The tank must be painted white or aluminum.

The tank must be marked with the proper shipping name (anhydrous ammonia) on all four sides; the identification number (1005) on the placards or orange panels on all four sides; the words "Inhalation Hazard" on two opposing sides; and 2.2 (nonflammable gas) placards on all four sides. There is an exception to having a placard on the end of a nurse tank that is equipped with valves, fittings, regulators, or gauges that prevent the placement of the placard.

Safety chains, a Slow Moving Vehicle sign, and retroreflective tape are required. A pick up truck may only tow one nurse tank; a farm tractor may tow two nurse tanks. Also, see the sections on Age of Drivers and CDLs to ensure compliance with driver qualification regulations.

Security Plan

Refer to Section 172.800 for specific requirements. For farmers not exempted under the Agricultural Operations provision discussed above, a security plan must be developed for certain hazardous materials, except that transportation activities of a farmer who generates less than \$500,000 annually in gross receipts from the sale of agricultural commodities or products, are not subject to the security plan requirements if such activities are:

1. Conducted by highway or rail;
2. In direct support of their farming operations;
3. Conducted within a 150-mile radius (statute miles) of those operations.

EMERGENCY CONTACTS

Certain hazardous materials transportation incidents that occur on a public roadway must be reported to the Michigan State Police Traffic Safety Division. A TSD Hazardous Materials Investigator can be contacted 24 hours a day by calling the **Michigan State Police Operations Desk at 517-241-8000**.

DEQ Pollution Emergency Alerting System (PEAS), 24 hours **800-292-4706**

MDA Agriculture Pollution Emergency Hotline, 24 hours **800-405-0101**

APPENDIX A

Implements of Husbandry Defined

The most important question to consider when determining if a vehicle is an implement is “How is it being used?”

Is it being used for anything listed in the definition of an implement of husbandry? An implement of husbandry is defined in the Michigan Motor Vehicle Code (257.21) as:

- A farm tractor;
- A vehicle designed to be drawn by a farm tractor or animal;
- A vehicle which directly harvests farm products; or
- A vehicle which directly applies fertilizer, spray, seeds to a farm field.

Note the second regulation uses the word “designed,” meaning the original design must have intended the vehicle to be drawn by a farm tractor or animal. Also note the last two regulations use the word “directly,” but not “designed.” It’s also important to realize that a farm tractor is always an implement of husbandry, by definition.

A vehicle can be both an implement of husbandry and a motor vehicle, but not at the same time. It’s either being used as a vehicle, or it’s being used as an implement of husbandry. Many implements are built on truck frames, and some even retain the truck cab. Some even can be dual use vehicles.

For example, a dump truck can be fitted with a spreader. When traveling to and from a farm field to use as a spreader, the vehicle is an implement of husbandry. When traveling to and from a farm to just dump lime in a corner of the field to be spread later by another device, then the vehicle is a dump truck.

Additionally, if an implement of husbandry is towing a trailer, the trailer is also generally considered to be an implement of husbandry. Again, the final determination depends upon how it is being used at the time.

Another issue to keep in mind is the size and weight laws. Implements of husbandry are exempt from size and weight (257.716(2)), but when operated as a vehicle requiring registration, compliance with the size and weight laws are mandatory.

Any vehicle that is being used – at the time – to directly harvest product or apply material can be an implement of husbandry. If it does not meet one of the above regulations – at the time a police officer encounters it – then it is a motor vehicle.

The officer is going to ask how it is being used and what it is being used for. If the driver indicates it is being used as an implement of husbandry, it will be subject to all of those requirements, including an SMV sign and retroreflective tape (see “TRAFFIC REGULATIONS”). If it’s being used as a motor vehicle, it must comply with all the laws applicable to motor vehicles.

APPENDIX B

Working Load Limits for Tiedowns

Title 49, Code of Federal Regulations, Federal Motor Carrier Safety Regulations, Part 393

§393.108 How is the working load limit of a tiedown, or the load restraining value of a friction mat, determined?

- a. The working load limit (WLL) of a tiedown, associated connector or attachment mechanism is the lowest working load limit of any of its components (including tensioner), or the working load limit of the anchor points to which it is attached, whichever is less.
- b. The working load limits of tiedowns may be determined by using either the tiedown manufacturer's markings or by using the tables in this section. The working load limits listed in the tables are to be used when the tiedown material is not marked by the manufacturer with the working load limit. Tiedown materials which are marked by the manufacturer with working load limits that differ from the tables, shall be considered to have a working load limit equal to the value for which they are marked.
- c. Synthetic cordage (e.g., nylon, polypropylene, polyester) which is not marked or labeled to enable identification of its composition or working load limit shall be considered to have a working load limit equal to that for polypropylene fiber rope.
- d. Welded steel chain which is not marked or labeled to enable identification of its grade or working load limit shall be considered to have a working load limit equal to that for grade 30 proof coil chain.
- e. (1) Wire rope which is not marked by the manufacturer with a working load limit shall be considered to have a working load limit equal to one-fourth of the nominal strength listed in the Wire Rope Users Manual.
- f. (2) Wire which is not marked or labeled to enable identification of its construction type shall be considered to have a working load limit equal to that for 6 x 37, fiber core wire rope.
- g. Manila rope which is not marked by the manufacturer with a working load limit shall be considered to have a working load limit based on its diameter as provided in the tables of working load limits.
- h. Friction mats which are not marked or rated by the manufacturer shall be considered to provide resistance to horizontal movement equal to 50 percent of the weight placed on the mat.

Working Load Limits (WLL)

CHAIN

Size mm (inches)	WLL in kg (pounds)				
	Grade 30 proof coil	Grade 43 high test	Grade 70 transport	Grade 80 alloy	Grade 100 alloy
1. 7 (1/4)	580(1,300)	1,180(2,600)	1,430(3,150)	1,570(3,500)	1,950(4,300)
2. 8 (5/16)	860(1,900)	1,770(3,900)	2,130(4,700)	2,000(4,500)	2,600(5,700)
3. 10 (3/8)	1,200(2,650)	2,450(5,400)	2,990(6,600)	3,200(7,100)	4,000(8,800)
4. 11 (7/16)	1,680(3,700)	3,270(7,200)	3,970(8,750)		
5. 13 (1/2)	2,030(4,500)	4,170(9,200)	5,130(11,300)	5,400(12,000)	6,800(15,000)
6. 16 (5/8)	3,130(6,900)	5,910(13,000)	7,170(15,800)	8,200(18,100)	10,300(22,600)
Chain Mark Examples:					
Example 1	3	4	7	8	10
Example 2	30	43	70	80	100
Example 3	300	430	700	800	1000

SYNTHETIC WEBBING

Width mm (inches)	WLL kg (pounds)
45 (1 ¾)	790(1,750)
50 (2)	910(2,000)
75 (3)	1,360(3,000)
100 (4)	1,810(4,000)

WIRE ROPE (6 X 37, FIBER CORE)

Diameter mm (inches)	WLL kg (pounds)
7 (1/4)	640(1,400)
8 (5/16)	950(2,100)
10 (3/8)	1,360(3,000)
11 (7/16)	1,860(4,100)
13 (1/2)	2,400(5,300)
16 (5/8)	3,770(8,300)
20 (3/4)	4,940(10,900)
22 (7/8)	7,300(16,100)
25 (1)	9,480(20,900)

MANILA ROPE

Diameter mm (inches)	WLL kg (pounds)
10 (3/8)	90(205)
11 (7/16)	120(265)
13 (1/2)	150(315)
16 (5/8)	210(465)
20 (3/4)	290(640)
25 (1)	480(1,050)

POLYPROPYLENE FIBER ROPE WLL (3-STRAND AND 8-STRAND CONSTRUCTIONS)

Diameter mm (inches)	WLL kg (pounds)
10 (3/8)	180(400)
11 (7/16)	240(525)
13 (1/2)	280(625)
16 (5/8)	420(925)
20 (3/4)	580(1,275)
25 (1)	950(2,100)

POLYESTER FIBER ROPE WLL (3-STRAND AND 8-STRAND CONSTRUCTIONS)

Diameter mm (inches)	WLL kg (pounds)
10 (3/8)	250(555)
11 (7/16)	340(750)
13 (1/2)	440(960)
16 (5/8)	680(1,500)
20 (3/4)	850(1,880)
25 (1)	1,500(3,300)

NYLON ROPE

Diameter mm (inches)	WLL kg (pounds)
10 (3/8)	130(278)
11 (7/16)	190(410)
13 (1/2)	240(525)
16 (5/8)	420(935)
20 (3/4)	640(1,420)
25 (1)	1,140(2,520)

DOUBLE BRAIDED NYLON ROPE

Diameter mm (inches)	WLL kg (pounds)
10 (3/8)	150(336)
11 (7/16)	230(502)
13 (1/2)	300(655)
16 (5/8)	510(1,130)
20 (3/4)	830(1,840)
25 (1)	1,470(3,250)

STEEL STRAPPING

Width x thickness mm inches)	WLL kg (pounds)
31.7 x .74 (1 ¼ x 0.029)	540(1,190)
31.7 x .79 (1 ¼ x 0.031)	540(1,190)
31.7 x .89 (1 ¼ x 0.035)	540(1,190)
31.7 x 1.12 (1 ¼ x 0.044)	770(1,690)
31.7 x 1.27 (1 ¼ x 0.05)	770(1,690)
31.7 x 1.5 (1 ¼ x 0.057)	870(1,925)
50.8 x 1.12 (2 x 0.044)	1,200(2,650)
50.8 x 1.27 (2 x 0.05)	1,200(2,650)

APPENDIX C

Migrant Worker Transportation

Note: All passenger capacities noted include the driver.

The transportation of migrant workers is regulated by Act 181 of 1963, which has adopted Part 398 of the FMCSR into state law.

Part 398 defines a migrant worker as any individual proceeding to or returning from employment in agriculture as defined in Section 3(f) of the Fair Labor Standards Act of 1938 or Section 3121(g) of the Internal Revenue Code of 1954.

A “carrier of migrant workers” is any carrier that transports at any one time, three or more migrant workers to or from their employment by any motor vehicle other than a passenger automobile or station wagon. A carrier of migrant workers does not include a migrant worker transporting himself/herself or his/her immediate family. Also, a carrier of migrant workers does not include a “common carrier,” such as a transit bus or for-hire motorcoach that is providing transportation to the general public.

Applicability

Operations that are subject to Part 398 are identified below. It is important to realize that while an operation may be exempt from Part 398, it may still be regulated by one or more of the other acts identified in this document, including Parts 390-396 of the FMCSR.

Part 398 only applies to a carrier of migrant workers (see above) that is transporting any migrant worker a total distance of more than 75 miles (note that it is not an air-mile radius, as other FMCSR exemptions).

Also, Part 398 does not apply to the transportation of migrant workers when (Section 398.2(b)(1)):

- The motor vehicle is designed or used to transport between 9 and 15 passengers;
- The motor carrier is directly compensated for the transportation; and
- The motor vehicle is operated beyond a 75 air-mile radius from the driver’s normal work reporting location.

However, Section 398.2(b)(2) goes on to state that operations described in the three regulations above are subject to the applicable requirements of Parts 385, 390, 391, 392, 393, 395, and 396 when the motor vehicle is operated beyond a 75 air-mile radius (86.3 statute miles) from the driver’s normal work reporting location.

The remainder of Part 398 specifies standards for drivers and vehicles:

Section 398.3 Driver Qualifications

This section specifies a minimum age of 21 years; a minimum of 1 year driving experience; and the driver must have a knowledge of the regulations, and be able to speak and read English sufficiently to understand road signs and respond to official inquiries. It also specifies medical qualifications for drivers and requires a separate medical certificate.

Section 398.4 Driving of Motor Vehicles

This section prohibits ill or fatigued drivers and the use of alcoholic beverages. It requires obedience to traffic rules and speed limits, requires driver to inspect the vehicle, and specifies securement of loads.

The carrier must provide for meal stop intervals of no more than 6 hours and be at least 30 minutes in duration. If a truck is used to transport the migrant workers in excess of 600 miles, the truck must be stopped for a period of not less than 8 consecutive hours either before or after the completion of the 600 miles travel, and before or after the completion of any subsequent 600 miles travel.

Only the following types of vehicles are permitted for migrant worker transportation: a bus, a truck with no trailer attached, or a semitrailer attached to a truck-tractor provided that no other trailer is attached to the semitrailer. Closed vans without windows or means to assure ventilation shall not be used. Bus is defined as any motor vehicle designed, constructed, or used to transport passengers, other than passenger automobiles or station wagons other than taxicabs.

Section 398.4 also specifies requirements for: maximum number of passengers; prevention of the ignition of fuel and storage of reserve fuel; prohibits driving by unauthorized persons; requires protection of passengers from weather; sets precautions for unattended vehicles; and requires stops at all railroad grade crossings, and a displayed sign on the rear of the vehicle reading, "This Vehicle Stops at all Railroad Crossings."

Section 398.5 Parts and Accessories

This section specifies standards for lighting devices, brakes, coupling devices, and tires. In addition, it establishes standards for the passenger compartment and protection from cold and weather. A seat must be provided for each migrant worker. Exits must be available and operable, including ladders or steps and handholds. Gates and doors must work from the inside without the use of tools. Vehicles with roofs must have an emergency exit and all vehicles must have a method to communicate with the driver.

Section 398.6 Hours of Service of Drivers; Maximum Driving Time

Section 398.6 states that a driver may not operate a motor vehicle under this part for more than 10 hours aggregate (excluding rest stops and meal stops) in any 24 consecutive hour period. An eight consecutive hour period of rest must be provided once the 10 hour maximum is reached.

Section 398.7 Inspection and Maintenance of Motor Vehicles

Motor carriers are required to systematically inspect and maintain all motor vehicles and accessories. It does not specify an annual inspection.

Section 398.8 Administration

This section gives an officer or the FMCSA the authority to place a vehicle or driver Out-of-Service (OOS) under this Part.

Passenger Carrier Compliance Table

Vehicle Design Capacity	Need USDOT #?	Must Comply with FMCSR?
1-8 passengers, migrant workers, over 75 mile radius	No	No, except for Part 398
9-15 passengers, not for hire	Yes	No*
9-15 passengers, for hire	Yes	Yes
Over 15 passenger capacity (for hire or not)	Yes	Yes

**Only Sections 390.15, 390.19, 390.21(a) and (b)(2) apply.*